

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

CORA BERGAN,

Plaintiff,

v.

1:07-cv-120

KMART CORPORATION,

Defendant,

TO: **Lee J. Rohn, Esq.**
Eugenio W.A. Geigel-Simounet, Esq.

ORDER

THIS MATTER came before the Court upon Plaintiff's Motion to Compel Defendant to Supplement Responses to Discovery (Docket No. 35). Counsel for Plaintiff certified that Defendant failed to execute the proposed joint stipulation regarding the discovery dispute, and Defendant has not filed any response to the motion.

Plaintiff claims that Defendant agreed to supplement its responses to interrogatories and demands for production of documents by August 14, 2009, but that even after extending the date to August 25, 2009, Plaintiff had not yet received any supplemental responses at the time she filed the motion. Motion at 1. The Court notes that the record reflects that Defendant has filed a notice of service of supplemental response to written

discovery. The record is void, however, regarding supplemental responses to Plaintiff's demands for production.

The Court makes the following findings regarding the demands at issue:

Demand No. 3: Defendant has adequately responded to this interrogatory. No further response is necessary.

Demand No. 6: Defendant shall supplement regarding substantially similar incidents involving slip and falls on hangers or other similar objects on the floor.

Demand No. 10: Defendant has adequately responded to this interrogatory. No further response is necessary

Demand No. 12: Defendant's objections are overruled. Defendant shall either produce the requested documents or aver that none exist.

Demand No. 15: Defendant shall supplement, as offered.

Demand No. 17: Defendant's objections are overruled. Defendant shall produce a copy of the safety handbook that was in effect on September 8, 2007.

Demand No. 18: Defendant's objections are overruled. Defendant shall produce a copy of the Loss Control Handbook.

Demand No. 20: Defendant has adequately responded to this interrogatory. No further response is necessary.

Demand No. 21: Defendant's objections are overruled. Defendant shall either produce documents that concern any other claims/lawsuits filed by Plaintiff or aver that none are in its possession.

Demand No. 22: Defendant has adequately responded to this interrogatory. No further response is necessary

Demand Nos. 23-31: Defendant shall supplement with any responsive documents it currently has in its possession.

Accordingly, it is hereby **ORDERED**:

1. Plaintiff's Motion to Compel Defendant to Supplement Responses to Discovery (Docket No. 35) is **GRANTED IN PART AND DENIED IN PART.**

2. Defendant shall supplement as directed hereinabove, specifically, Demand For Production Nos. 6, 12, 15, 17, 18, 21, 23-31, within ten (10) days from the date of entry of this order.

3. Plaintiff's motion with respect to the interrogatories at issue is **DENIED AS MOOT.**

Bergan v. Kmart Corp.

1:07-cv-120

Order

Page 4

ENTER:

Dated: September 25, 2009

/s/ George W. Cannon, Jr. _____

GEORGE W. CANNON, JR.

U.S. MAGISTRATE JUDGE